

BY-LAW NUMBER 12-2025

OF

THE CORPORATION OF THE CITY OF BRANTFORD

Being a by-law to address matters under the Ontario Heritage Act respecting the submission of notices of intention to demolish under section 27 as well as applications under sections 33, 34, and 42.

WHEREAS the *Ontario Heritage Act, R.S.O. 1990, c.O.18* (the “*Ontario Heritage Act*”) sets out a process for requests to remove non-designated property from a Heritage Register in section 27, applications to alter individually designated property in section 33, or demolish or remove buildings, structures or heritage attributes of individually designated property in section 34, and applications to alter, demolish or remove buildings, structures or heritage attributes of property designated within a heritage conservation district in section 42; and

WHEREAS subsections 27(11), 33(3), 34(3) and 42(2.2) of the *Ontario Heritage Act* establish that a municipal council may require applicants provide such information the council considers it may need when reviewing a submitted notice or an application, as the case may be; and

WHEREAS subsection 6(2) of Ontario Regulation 385/21 (General) under the *Ontario Heritage Act* requires that prescribed information and materials be accompanied by any information or material that is required by municipal by-law, resolution or official plan; and

WHEREAS section 23.1 of the *Municipal Act, 2001* authorizes a municipality to delegate its authority to a person or body; and

WHEREAS subsections 33(15) and 42(16) of the *Ontario Heritage Act*, authorize a municipal council to delegate its authority to consent to, or grant permits for, the alteration of property designated individually or as part of a heritage conservation district, respectively; and

WHEREAS City Council also considers it desirable to review and update the delegation of authority to issue notices regarding complete or incomplete applications, as the case may be, under sections 33 and 34, and notices of receipt under section 42 of the *Ontario Heritage Act* established through By-law 148-2016; and

Bylaw 12-2025

WHEREAS, at its meeting on February 25, 2025, City Council adopted the recommendations set out in 12.2.2 of Combined Committee of the Whole Report #2025-02-11, to amend By-law 146-2016;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BRANTFORD HEREBY ENACTS AS FOLLOWS:

1. THAT sections 4, 5, and Schedule A of By-law 148-2016 are hereby repealed.
2. THAT for the purposes of subsections 27(11), 33(3), 34(3), and 42(2.2) of the *Ontario Heritage Act*:
 - a. Council considers it may need the information and materials listed in Schedule "A" attached hereto to appropriately understand and evaluate an application under the applicable section of the *Ontario Heritage Act*.
 - b. Council delegates to the Manager of Long Range Planning the authority to require, or waive the requirement, that any information and materials listed in Schedule "A" attached hereto accompany an application under the applicable section of the *Ontario Heritage Act*.
3. THAT for the purposes of subsections 33(4), (5), (20) and (21), 34 (4) and (4.1), and 42(3), Council delegates the authority to issue a notice under the applicable subsection to the Manager of Long Range Planning.
4. THAT, with respect to applications made pursuant to sections 33 and 42 of the *Ontario Heritage Act*:
 - a. The classification of applications shall be in accordance with Schedule "B" attached hereto.
 - b. Council hereby delegates the authority to approve an application for a Minor Alteration as defined in Schedule "B" attached hereto with or without conditions, to the Director of Planning and Development Services/Chief Planner, subject to the following conditions:
 - i. The written recommendation of the Manager of Long Range Planning.
 - ii. The approval is consistent with the applicable designation by-law or heritage conservation district study.

- c. Council hereby delegates the authority to approve an application for a Major Alteration as defined in Schedule "B" attached hereto with or without conditions, to the Director of Planning and Development Services/Chief Planner, subject to the following conditions:
 - i. The written recommendation of the Manager of Long Range Planning.
 - ii. Consultation with the Brantford Heritage Committee or decision by City Council.
- d. The Director of Planning and Development Services/Chief Planner may refer any application under sections 33 and 42 of the *Ontario Heritage Act* to Council for a decision despite the delegation of authority, and Council retains all powers under sections 33 and 42 of the *Ontario Heritage Act* in such an instance.
- e. The authority to deny an application under sections 33 and 42 of the *Ontario Heritage Act* is not delegated. Council retains all powers under sections 33 and 42 of the *Ontario Heritage Act* in respect of an application where:
 - i. The Brantford Heritage Committee adopts a resolution recommending the denial of the application; or
 - ii. The Director of Planning and Development Services/Chief Planner would deny the application.

5. THAT this By-law shall come into force effective immediately.

READ A FIRST TIME: February 25, 2025

READ A SECOND TIME: February 25, 2025

PASSED: February 25, 2025



Mayor



Clerk

Information and materials Council may require, pursuant to subsections 27(11), 33(3), 34(3), and 42(2.2) of the Ontario Heritage Act.

- 1) An application form, in a form approved by or acceptable to, the Manager of Long Range Planning.
- 2) Photographs showing one or more of the following:
 - a. The subject property.
 - b. The area where work is proposed.
 - c. The condition of any heritage attributes subject to or affected by the application.
- 3) Written description of the proposed work, including if requested, the reasons for the application and/or a project work plan.
- 4) Quote or estimate for all or part of the proposed work.
- 5) Product specifications and/or manufacturer's literature (e.g. a product brochure; material safety data sheet; etc.).
- 6) A sketch or a plan of the property or part of the property where work is proposed.
- 7) Construction drawings as specified by the City (draft form; for submission; or as-approved).
- 8) Building condition assessment or report, or similar.
- 9) Engineer's report, or similar.
- 10) Any study listed within the City of Brantford Official Plan which may be imposed as a requirement of a complete Planning Act application.
- 11) Any additional document, plan, study, or information which, in the opinion of the Manager of Long Range Planning, is necessary to understand the scope and implications of an application.

Classification of applications under sections 33 and 42 of the Ontario Heritage Act

Where an application under sections 33 or 42 of the *Ontario Heritage Act* is received, it shall be classified in accordance with Sections 1 and 2 of this Schedule. Where an application involves work not specified in Section 1 or 2 of this Schedule, the Manager of Long Range Planning shall classify the work having regard for the scope of the work and comparable work in Section 1 or 2.

1. Minor Alterations

- 1) Repairs / maintenance / restoration of heritage attributes; for example:
 - a. Repointing masonry and localized replacement of brick or stone units.
 - b. Repairing or repainting windows, shutters, and doors or other trim.
 - c. Roofing with the same or similar material
 - d. Re-cladding in the same or similar material.
 - e. Historic fencing or other landscaping.
- 2) Installation or repairs / maintenance / replacement of non-heritage features, for example:
 - a. Landscaping, gardening, planting of vegetation.
 - b. Driveways and walkways.
 - c. Eavestroughs and downspouts.
 - d. Non-historic windows and doors, where there is no change in opening size.
 - e. Fences, in compliance with the Fence By-law.
- 3) Construction of:
 - a. Signs in full compliance with the Sign By-law and consistent with guidelines for signs on designated heritage properties.
 - b. Detached accessory structures such as sheds, gazebos, pools, etc. in full compliance with the Zoning By-law and which do not have a major presence towards the Street, in the opinion of the Manager of Long Range Planning.
 - c. Fences in a rear yard or interior side yard behind the front wall.
 - d. Fences in a front or exterior side yard to a maximum height of 1 metre.

- 4) Installation of satellite dishes, utility boxes, A/C units, antennas, lighting, mailboxes, or similar.
- 5) Removal of detached accessory structures which do not have heritage attributes / do not negatively impact the cultural heritage value of a property.

2. Major Alterations

- 1) Works which alter or remove a heritage attribute, for example:
 - a. Removal of doors, windows, shutters, or other architectural details.
 - b. Re-roofing in a different material where the roof material is heritage attribute.
 - c. Re-cladding in a different or dissimilar material or style.
 - d. Removal of fencing which is a heritage attribute.
- 2) Installation of certain non-heritage features, for example:
 - a. Landscaping, gardening, planting of vegetation which will obstruct the heritage attributes or has potential to cause damage.
 - b. Fences which do not comply with the fence by-law, or which are otherwise greater than 1 metre in height in a front or exterior side yard.
- 3) Large scale reconstruction of masonry walls.
- 4) Construction of:
 - a. Accessory structures, such as a porch or deck which is attached to a structure which contributes to the property's cultural heritage value or interest.
 - b. Accessory structures which do not comply with the Zoning By-law, and / or which have a major presence towards the street in the opinion of the Manager of Long Range Planning.
 - c. Signs which are not in full compliance with the Sign By-law.
 - d. Dormers, skylights, additions, or other alterations to the roof of a building with cultural heritage value.
- 5) Any other works that require a permit to construct or demolish pursuant to the *Building Code Act, 1992*, unless classified as a minor alteration in this schedule.
- 6) Other works that, in the opinion of the Manager of Long Range Planning, warrants consultation with the Brantford Heritage Committee.